

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 342 OF 2014
IN
WRIT PETITION NO. 6263 OF 2014

HARI PUNA BHARAMBE
VERSUS
VINOD DEORAM DHAYADE & ANR

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Advocate for Petitioner : Shri Patil Vijay Y.
Advocate for Respondents 1 & 2 : Shri Goyanka M.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 10, 2015

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PER COURT :-

1. I have heard the strenuous submissions of Shri Patil, on behalf of the petitioner as well as Shri Goyanka, who has appeared on behalf of the accused / respondents.

2. Shri Patil submits that this Court had granted ad-interim relief to the petitioner, by its order dated 21.7.2014, in terms of prayer clause (C), set out in Writ Petition No.6263 of 2014. He further submits that the accused / respondents have blatantly violated the said order and with the intention of over bearing the authority of the Court, have willfully, intentionally and deliberately disobeyed the said order. He, therefore, submits that this Court needs to take cognizance of the conduct of the respondents under the Contempt of Courts Act.

3. I have considered the submissions of Shri Patil and I have gone

through the order passed by this Court dated 21.7.2014.

4. The petitioner had preferred Complaint (ULP) No. 22 of 2012 before the Industrial Court at Jalgaon, challenging the show cause notice dated 15.10.2014, by which, punishment of permanent stoppage of three increments of the petitioner and a recovery of Rs.1,20,000/- was proposed. By judgment and order dated 17.7.2014, Complaint (ULP) No. 22 of 2012, filed by the petitioner was dismissed.

5. While preferring Writ Petition No.6263 of 2014, the petitioner had put forth the following prayers.

“(A) This Writ Petition may kindly be allowed.

(B) To issue a writ of certiorari or any other appropriate writ or direction in the like nature to quash and said (set) aside order dated 17.7.2014 passed by the Learned Industrial Court, Jalgaon in Complaint (ULP) No.22 of 2012.

(C) Pending hearing and final hearing of the writ petition the order dated 17.07.2014 passed by the Learned Industrial Court, Jalgaon in Complaint (ULP) No.22 of 2012 may kindly be stayed.

(D) Pending hearing and final disposal of this writ petition, the respondents may kindly be restrained for (from) execution, implementation and operation of the Judgment and order dated 17.7.2014 till the final disposal of this writ petition.

(E) Such other and further orders be passed by this Hon'ble High

Court as may deemed fit and proper in the facts and circumstances of the case. ”

6. By order dated 21.7.2014, which is the subject issue in the present Contempt Proceedings, this Court had granted ad-interim protection to the petitioner in Clause (2) which reads as under:-

“2. Notice to respondents returnable on 01-09-2014. Till returnable date, there shall be ad-interim relief in terms of prayer clause (C).”

7. It is alleged that the respondent / accused issued a communication dated 30.7.2014, which is said to be a contemptuous act in the light of the order dated 21.7.2014.

8. I am unable to accept the contention of the petitioner, that the communication dated 30.7.2014 is violative of the order dated 21.7.2014, since the ad-interim relief granted to the petitioner in terms of prayer clause (C) was only to the extent of staying the impugned order of the Industrial Court. The amendment to the prayer clause, made by the petitioner, under orders of this Court, dated 2.8.2014, requesting for an order restraining the respondent accused from causing any recovery from the petitioner, was introduced after the communication dated 30.7.2014 was issued by the respondent / accused.

9. In the light of the same, there is no merit in the Contempt Petition and the same is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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